

PL Sum. J.

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Transcript of Marina MacDonald

Tuesday, June 14, 2022

W.K. v. Red Roof Inns, Inc

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Reference Number: 117470

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 W.K., et al., :
5 PLAINTIFFS, : Civil Action
6 vs. : File No.
7 RED ROOF INNS, INC.; : 1:20-cv-05263-VMC
8 et al, :
9 DEFENDANTS. :
10 - - -

11 JANE DOE 1, et al., :
12 PLAINTIFFS, : Civil Action
13 vs. : File No.
14 WESTMONT HOSPITALITY : 1:21-cv-04278-WMR
15 GROUP, et al., :
16 DEFENDANTS. :
17 - - -

18 J.A., :
19 PLAINTIFF, :
20 vs. : Civil Action
21 RED ROOF INNS, INC., : File No.
22 et al., : 1L21-cv-03655-TWT
23 DEFENDANTS. :
24 - - -

25 Deposition of

MARINA MacDONALD

21 Taken at the office of
22 Bailey Cavalieri, LLC
10 West Broad Street
23 20th Floor Conference Room
Columbus, Ohio 43215

24 on June 14, 2022 at 8:54 a.m.

25 Reported by: Jennifer L. Parish, RPR

1 APPEARANCES:

2 AMANDA KAY SEALS, ESQUIRE
3 TIANA S. MYKKELTVEDT, ESQUIRE
4 BONDURANT MIXSON & ELMORE, LLP
5 1201 West Peachtree Street NW
6 Suite 3900
7 Atlanta, Georgia 30309
8 seals@bmelaw.com
9 mykkeltvedt@bmelaw.com
10 and

11 PATRICK J. McDONOUGH, ESQUIRE (via Zoom)
12 ANDERSEN, TATE & CARR, PC
13 1960 Sugarloaf Centre
14 Suite 4000
15 Duluth, Georgia 30097
16 pmcdonough@atclawfirm.com

17 on behalf of Plaintiffs.

18 ADI ALLUSHI, ESQUIRE
19 CHRISTIAN NOVAY, ESQUIRE
20 LEWIS BRISBOIS BISGAARD & SMITH, LLP
21 600 Peachtree Street NE
22 Suite 4700
23 Atlanta, Georgia 30308
24 adi.allushi@lewisbrisbois.com
25 christian.novay@lewisbrisbois.com

26 on behalf of Defendants Red Roof Inns,
27 Inc.; FMW RRI NC, LLC; Red Roof
28 Franchising, LLC; RRI West Management,
29 LLC; Westmont Hospitality Group, Inc.; and
30 RRI III, LLC.

31 DENISE D. HOYING, ESQUIRE
32 LAW & MORAN
33 563 Spring Street NW
34 Atlanta, Georgia 30308
35 denise@lawmoran.com

36 on behalf of Plaintiff J.A.

1 APPEARANCES (cont'd.):

2 C. SHANE KEITH, ESQUIRE
3 HAWKINS PARNELL & YOUNG, LLP
303 Peachtree Street NE
Suite 4000
4 Atlanta, Georgia 30308
skeith@hpylaw.com

5 on behalf of Defendant Varahi Hotel, LLC.

6

7

8 ALSO PRESENT:

9 Bruce Sandy, Videographer

10 Nick Kolitsos, Red Roof Inn

11 Beth Richardson, Paralegal (via Zoom)

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1 This email refers to, quote,
2 corporate managed locations. If we talk about
3 corporate managed locations or corporately
4 managed locations, what does that mean to you?

5 A. Well, I was not involved -- I was
6 -- I worked for Red Roof Franchising, so I
7 worked for the entire brand. And corporate
8 managed were a small group of hotels that had
9 an operations team that managed them.

10 Q. Okay. An operations team. Well,
11 let me say this:

12 You say that that's a -- there's a
13 small group of hotels as opposed to what else
14 is sort of out there? How are you
15 distinguishing between corporate managed and
16 what else?

17 A. Independent franchisee.

18 Q. Independent franchisee. Okay.

19 So if -- if we're talking about
20 over the course of today corporately managed
21 locations versus independent franchisee
22 locations, when we're talking about
23 independent franchisee locations, we're
24 talking about locations that have what might
25 be called a third-party franchisee.

1 A. Yes.

2 Q. And, again, I'm not looking for
3 mechanical precision around this. I'm just
4 trying to have a ballpark of what the -- what
5 the management structure looked like.

6 You said the number 20 earlier.

7 Q. Is that the number today? Where did the 20
8 number come from?

9 A. At one point we had 20.

10 Q. Okay. Was that point between the
11 2010 and 2018?

12 A. No.

13 Q. Okay. So by 2018 you think that
14 the max it would have been would be somewhere
15 north of 8 but less than 20?

16 A. Yes.

17 Q. Okay. How big was your budget?

18 MR. ALLUSHI: Objection.

19 Q. Again, I'm talking about --

20 A. What time frame?

21 Q. Okay. So around 2010 about how
22 big was it?

23 A. Oh, I cannot remember.

24 Q. How big was it in 2018, roughly?

25 A. Roughly 10 to 13 million.

1 Q. Okay. Do you think it would have
2 been seven figures in 2010?

3 A. No.

4 Q. So less than a million in 2010?

5 A. It was --

6 MR. ALLUSHI: Objection.

7 A. I cannot remember.

8 Q. Okay. What about 2012?

9 A. I -- I cannot remember.

10 Q. Okay. So you mentioned that you
11 were -- you worked for -- I think if I heard
12 you correctly, you worked for Red Roof
13 Franchising; is that correct?

14 A. I work for -- I work for Red Roof
15 Franchising.

16 Q. You work for the Red Roof
17 Franchising today. Is that --

18 A. Always have.

19 Q. Always have. So for the entire
20 time frame that you have worked for the Red
21 Roof brand, you have worked for Red Roof
22 Franchising?

23 A. Red Roof Franchising, LLC.

24 Q. And so when I say "Red Roof
25 Franchising," we'll know that we're talking

1 Q. And that brand includes properties
2 that were operated by third-party franchisees.
3 Correct?

4 MR. ALLUSHI: Objection.

5 A. Yes.

6 Q. Okay. And that brand includes
7 locations, a small fraction of locations, as
8 you said, that were operated or that were
9 so-called corporate managed locations.

10 MR. ALLUSHI: Objection.

11 Q. Is that correct? Again, we're
12 talking about the 2010-to-2018 time frame.

13 A. Yes, yes.

14 Q. In other words, when you were
15 spending your marketing dollars or when you
16 were performing your job functions, were you
17 distinguishing in your work between locations
18 that were operated by third-party franchisees
19 and locations that were operated by
20 corporately -- by corporate managed?

21 A. No.

22 Q. Okay. So you had responsibility,
23 marketing responsibility, as it pertained to
24 advertising, press strategy, crisis
25 management, social media platforms, the

1 Q. -- or -- or at reservation, then
2 when that guest checked out, they were sent a
3 survey to complete by some vendor.

4 A. Yes.

5 Q. And if the guest completed that
6 survey, then the vendor collected that data
7 and sent it back to the brand; is that
8 correct?

9 A. Yes.

10 Q. Okay. Are you familiar with
11 Reputology?

12 A. Yes.

13 Q. And what do you know Reputology to
14 be?

15 A. They would aggregate social --
16 they would aggregate review sites, TripAdvisor
17 review sites specifically, Expedia, their
18 reviews, booking.com, their reviews.

19 Q. Hotels.com, do you know whether
20 they ever --

21 A. Hotels.com is part of Expedia, so
22 yes.

23 Q. Okay. So Reputology was a vendor
24 that aggregated reviews from these third-party
25 reservation sites like Expedia and

1 booking.com.

2 A. They did that, yes.

3 MR. ALLUSHI: Objection.

4 Go ahead.

5 Q. And then they also aggregated
6 reviews from TripAdvisor. Correct?

7 A. Correct.

8 Q. Is TripAdvisor a third-party
9 booking site?

10 MR. ALLUSHI: Objection.

11 A. It's a review platform.

12 Q. Okay.

13 A. They may have a booking engine.
14 I'm not familiar.

15 Q. Okay. But all of these sites,
16 whether they have a booking engine or not,
17 have customer reviews. And the function of
18 Reputology for Red Roof was to aggregate
19 reviews from these sites; is that correct?

20 A. Correct.

21 Q. And what role did you have in --
22 in that work done by Reputology?

23 MR. ALLUSHI: Objection.

24 A. What -- I don't understand the
25 question.

1 exactly when.

2 Q. Did you receive the reports from
3 Reputology?

4 A. I did.

5 Q. Did you receive the -- and when I
6 say "the reports from Reputology," I mean
7 Reputology would aggregate this review
8 information. Correct?

9 A. Correct.

10 Q. And at regular intervals, be it
11 monthly or weekly, they would send you reviews
12 for the locations that they were -- for which
13 they were monitoring reviews. Correct?

14 A. They monitored all properties.

15 Q. Okay. So they would --

16 A. And if there was a review that a
17 guest left, some hotels received them, some
18 didn't.

19 Q. And positive, negative, whatever
20 review, Reputology would aggregate it and send
21 it at -- at regular intervals.

22 A. Yes.

23 Q. And you received those reports.

24 A. I did.

25 Q. Okay. Did anyone else?

1 A. Yes.

2 Q. Who else received those reports,
3 to your knowledge?

4 A. Everyone in operations. All
5 operations received it. I don't know who
6 senior management received it.

7 Q. Okay. So -- and, again, I'm
8 focused on the sort of 2010 to September 2015
9 time period. We talked about a few sources of
10 information that are being -- a few sources of
11 customer -- let's call it customer review
12 information that are being collected,
13 aggregated, and distributed within the
14 company.

15 A. Yes.

16 Q. The -- the customer surveys would
17 be one source; is that correct?

18 A. Correct.

19 Q. The we'll call it Reputology
20 information it's aggregating from the review
21 sites would be another source.

22 A. Correct.

23 Q. The NR reports would be a third
24 source. Is that --

25 A. Yes.

1 Q. -- via some other more automated
2 process.

3 A. Correct.

4 Q. And the goal of this report was to
5 aggregate guest chatter, you said, around
6 certain topics. Correct?

7 A. Correct.

8 Q. And those topics, would it be fair
9 to say, were related to possible criminal
10 activity at locations?

11 A. Crisis activity that could turn
12 into a crisis.

13 Q. Okay. You said "crisis activity."

14 A. Well --

15 Q. What do you -- what do you mean by
16 that?

17 A. Drugs, weapons, police, human
18 trafficking, those -- prostitution, those
19 types of things. Those types of words.

20 Q. Okay. So the focus was on
21 collecting chatter on these -- these topics
22 that could -- most of these appear to be
23 related to potential criminal activity; is
24 that correct?

25 A. I don't know.

1 the witness.

2 MR. ALLUSHI: Okay.

3 BY MS. SEALS:

4 Q. Presumably, Red Roof was
5 generating these reports, collecting this
6 information for some reason. Correct? There
7 was a reason, whatever it was.

8 A. George -- for the reason George
9 wanted.

10 Q. For the reason George wanted. And
11 so it was -- so Red Roof could do something,
12 whatever it was George wanted to do, in
13 response to this information.

14 MR. ALLUSHI: Objection.

15 Q. Again, I'm not asking what he
16 wanted to do. I'm just saying that,
17 presumably, there was some action that the
18 company wanted to take --

19 A. It was --

20 MR. ALLUSHI: Wait.

21 Q. -- in response to these reports.

22 MR. ALLUSHI: Objection.

23 Go ahead, if you know.

24 A. The only thing I know was to
25 monitor chatter. That's all I know.

1 you know what I'm talking about --

2 A. I do.

3 Q. -- those are the reports that H+K
4 generated that aggregated press mentions for
5 Red Roof, Inc.?

6 A. Yes.

7 MR. ALLUSHI: Objection.

8 Q. And they included positive --

9 MR. ALLUSHI: Did you say Red
10 Roof, Inc.?

11 Q. Sorry. Red Roof the brand is what
12 I really mean. So I'll clarify that.

13 Those were the reports that
14 aggregated press mentions for Red Roof.

15 A. Yes.

16 Q. The brand.

17 A. Yes.

18 Q. And they aggregated mentions
19 whether they were, we'll call it, positive
20 press or negative press.

21 A. Correct.

22 Q. Correct?

23 A. Yes.

24 Q. And I think your testimony was
25 that you're not sure precisely when you

1 started -- or when H+K started receiving those
2 reports. Correct? Or H+K started sending
3 those reports.

4 A. That is correct.

5 Q. Okay. But that you believe it was
6 by -- again, I don't want to put words in your
7 mouth.

8 My understanding of your testimony
9 is you believe these reports were being sent
10 out by the 2010 time frame.

11 A. On and off starting in 2010.

12 Q. Okay. When you say "on and off,"
13 what do you mean?

14 A. Sometimes we would get them
15 monthly and sometimes we would get them
16 quarterly and sometimes we would get them
17 daily.

18 Q. Okay. Understood. The interval
19 might have changed, but you were receiving
20 these reports at least by 2010.

21 A. Yes.

22 Q. Okay. You got the reports, I
23 think we talked about, directly from H+K.
24 Correct?

25 A. Correct.

1 Q. Did you get the reports every time
2 they got sent out? In other words, did you
3 get -- when the reports were being sent out
4 daily, were you receiving them daily?

5 MR. ALLUSHI: Objection.

6 A. Yes.

7 Q. And when the reports were being
8 sent out weekly, you were receiving them
9 weekly?

10 A. Yes.

11 MR. ALLUSHI: Objection.

12 You're fine.

13 Q. Who -- do you know whether
14 anyone -- or whether anyone else in the
15 marketing department or otherwise was
16 receiving these press roundups?

17 MR. ALLUSHI: Objection.

18 A. I would receive them, and maybe
19 some people on my staff would receive them. I
20 cannot recall every person that would receive
21 them all the time, because the staff changed.

22 Q. Sure.

23 A. Other people would receive them
24 within marketing.

25 Q. Okay. So between 2010 and 2018

1 you were receiving them and other people in
2 marketing were receiving them.

3 A. Yes.

4 Q. And people who reported to you
5 were receiving them, at least some of them.
6 Correct?

7 A. Correct.

8 Q. And potentially people who
9 reported to the people who were reporting to
10 you, you're sort of -- people for whom you
11 were the skip boss as we called it --

12 A. Yes.

13 Q. -- they were receiving them.

14 A. Yes.

15 Q. Correct?

16 Was anyone else on the -- other
17 than you, was anyone else on the senior
18 management team receiving them?

19 A. No.

20 Q. Did you -- strike that.

21 When you got these, did you read
22 them?

23 A. Sometimes.

24 Q. Okay. Was it someone's job to
25 read them?

1 A. Was it someone -- no. It wasn't
2 someone's job just solely to read all of them,
3 no.

4 Q. Of course, and that's not my
5 question. It wouldn't be someone's job only
6 to read those things. My question is whether,
7 among the responsibilities of some employee,
8 was it some employee's responsibility to read
9 the reports H+K was generating?

10 MR. ALLUSHI: Objection.

11 A. I never directed anyone to
12 specifically read everything on the report,
13 no.

14 Q. Okay. Did you expect that someone
15 on your team would be reading the reports?

16 A. It didn't occur to me, no.

17 Q. And so it also didn't occur to you
18 to have someone on your team, like, click
19 through the links on the news reports to read
20 those?

21 A. Correct.

22 Q. Sometimes, and I think we've seen
23 at least one example, you passed these reports
24 along to senior management.

25 Is that fair to say?

2 BY MS. SEALS:

3 Q. Ms. MacDonald, when we were
4 talking very early in the day about the people
5 with whom you interacted, you mentioned
6 Dorraine Lallani and Mohamed Thowfeek.

7 Do I remember that correctly?

8 A. Do I have some interaction with
9 them?

10 Q. Well, yes.

11 A. I have some interaction with them.

12 Q. Okay. What -- what interaction
13 did you have with them in the 2010-to-2018
14 time period?

15 A. With Mr. Thowfeek, very little.

¹⁶ Maybe once a year. A marketing review.

17 Q. Okay. And what would that
18 marketing review cover?

19 A. It would cover the marketing
20 results from the previous year and then the
21 plan for the following year.

22 Q. What about Ms. Lallani?

23 A. She would be in meetings with me.

24 I would have interaction with her when we did
25 a marketing review, and we would do a

1 marketing review with her in attendance at a
2 brand health meeting maybe two to three times
3 a year.

4 Q. You said -- and would that be true
5 for the 2010-2018 time period, generally
6 speaking?

7 A. I don't know when she started,
8 so....

9 Q. What's your understanding of her
10 job?

11 A. Asset manager.

12 Q. For whom?

13 A. She was asset manager for Red
14 Roof.

15 Q. To your understanding, is she a
16 Red Roof employee?

17 A. Not to my knowledge.

18 Q. Okay. So, to your knowledge, who
19 employs her?

20 A. I don't know.

21 Q. Okay. No idea?

22 A. No.

23 Q. If she had an @whg.com email
24 address, does that tell you anything about who
25 employed her?

301

1 C E R T I F I C A T E

2 STATE OF OHIO :
3 COUNTY OF FRANKLIN :

4 I, Jennifer L. Parish, a Registered
5 Professional Reporter and Notary Public in and
6 for the State of Ohio, duly commissioned and
7 qualified, do hereby certify that the within
8 named MARINA MacDONALD was by me first duly
9 sworn to testify to the truth, the whole
10 truth, and nothing but the truth in the cause
11 aforesaid; that the deposition then given by
12 her was by me reduced to stenotype in the
13 presence of said witness; that the foregoing
14 is a true and correct transcript of the
deposition so given by her; that the
deposition was taken at the time and place in
the caption specified and was completed
without adjournment; and that I am in no way
related to or employed by any attorney or
party hereto, or financially interested in the
action, and I am not, nor is the court
reporting firm with which I am affiliated,
under a contract as defined in Civil Rule
28 (D) .

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand and affixed my seal of office at
Columbus, Ohio, on this 20th day of June,
2022.



23 _____
24 JENNIFER L. PARISH, RPR
NOTARY PUBLIC-STATE OF OHIO

25 My Commission Expires: November 23, 2024.